

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN SENATE MAY 9, 2005

**SENATE BILL**

**No. 527**

**Introduced by Senator Alquist**

**(Coauthor: Senator Torlakson)**

(Coauthors: Assembly Members Bass, Coto, Dymally, and Matthews)

February 18, 2005

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An act to amend Section 33334.4 of the Health and Safety Code, relating to redevelopment.

LEGISLATIVE COUNSEL'S DIGEST

SB 527, as amended, Alquist. Redevelopment: senior housing.

The Community Redevelopment Law requires not less than 20% of all property tax increment funds that are allocated to a redevelopment agency to be used by the agency for purposes of increasing, improving, and preserving the community's supply of low- and moderate-income housing. These funds are required to be deposited in a separate Low and Moderate Income Housing Fund. This law requires each redevelopment agency to expend, over the duration of its redevelopment implementation plan, the moneys in the Low and Moderate Income Housing Fund to assist housing that is available to all persons regardless of age in at least the same proportion as the population under *the age of 65 years* bears to the total population of the community as reported in the most recent census of the United States Census Bureau.

This bill would specify that the housing assistance be available in at least the same proportion as ~~the low-income population~~ *number of low-income households with a member* under the age of 65 years bears to the total ~~low-income population~~ *number of low-income households* of the community.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 33334.4 of the Health and Safety Code  
2     is amended to read:  
3     33334.4. (a) Except as specified in subdivision (d), each  
4     agency shall expend over each 10-year period of the  
5     implementation plan, as specified in clause (iii) of subparagraph  
6     (A) of paragraph (2) of subdivision (a) of Section 33490, the  
7     moneys in the Low and Moderate Income Housing Fund to assist  
8     housing for persons of low income and housing for persons of  
9     very low income in at least the same proportion as the total  
10    number of housing units needed for each of those income groups  
11    bears to the total number of units needed for persons of  
12    moderate, low, and very low income within the community, as  
13    those needs have been determined for the community pursuant to  
14    Section 65584 of the Government Code. In determining  
15    compliance with this obligation, the agency may adjust the  
16    proportion by subtracting from the need identified for each  
17    income category, the number of units for persons of that income  
18    category that are newly constructed over the duration of the  
19    implementation plan with other locally controlled government  
20    assistance and without agency assistance and that are required to  
21    be affordable to, and occupied by, persons of the income  
22    category for at least 55 years for rental housing and 45 years for  
23    ownership housing, except that in making an adjustment the  
24    agency may not subtract units developed pursuant to a  
25    replacement housing obligation under state or federal law.  
26    (b) Each agency shall expend over the duration of each  
27    redevelopment implementation plan, the moneys in the Low and  
28    Moderate Income Housing Fund to assist housing that is  
29    available to all persons regardless of age in at least the same  
30    proportion as the ~~low-income population~~ *number of low-income*  
31    ~~households with a member~~ *households with a member* under age 65 years bears to the total  
32    ~~low-income population~~ *number of low-income households* of the  
33    community as reported in the most recent census of the United  
34    States Census Bureau.

1 (c) An agency that has deposited in the Low and Moderate  
2 Income Housing Fund over the first five years of the period of an  
3 implementation plan an aggregate that is less than two million  
4 dollars (\$2,000,000) shall have an extra five years to meet the  
5 requirements of this section.

6 (d) For the purposes of this section, “locally controlled” means  
7 government assistance where the community or other local  
8 government entity has the discretion and the authority to  
9 determine the recipient and the amount of the assistance, whether  
10 or not the source of the funds or other assistance is from the state  
11 or federal government. Examples of locally controlled  
12 government assistance include, but are not limited to,  
13 Community Development Block Grant Program (42 U.S.C. Sec.  
14 5301 and following) funds allocated to a city or county, Home  
15 Investment Partnership Program (42 U.S.C. Sec. 12721 and  
16 following) funds allocated to a city or county, fees or funds  
17 received by a city or county pursuant to a city or county  
18 authorized program, and the waiver or deferral of city or other  
19 charges.